The author's main puzzle seems to be why it is that shipment of goods by a seller to a buyer in fulfilment of an order or contract should pass title on delivery of the goods to the carrier. He says (page 48): "The rule is a purely arbitrary one;" and again (page 50): "The theory on which this holding is based is anything but clear." On page 269, in dealing with the Statute of Frauds, he refers to the same matter again. His difficulty is that he rightly enough is unable to see any authority on the part of the carrier to assent to the transfer of ownership; and he wrongly supposes that such authority must be assumed in order to produce the result. Of course the truth is that the buyer has himself previously assented to the shipment as a means of delivery. The carrier receives the goods as agent or bailee for the buyer, but it is the buyer's previous assent which produces the transfer of ownership. If the buyer had said, put the goods into a particular hole in the ground for me, the ownership would have been transferred when the seller fulfilled the order, for precisely the same reason.

Pages 286 to 336 are devoted to a reprint of the Uniform Sales Act, with very slight annotations of decisions. There seems to be little reference, however, to the effect of the Act in the body of the book.

The volume because of the size naturally invites comparison with the brief treatises of Tiffany and Burdick, and the comparison is much to the advantage of the older books.

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Cambridge Studies in English Legal History. Harold Dexter Hazeltine, Editor. *The History of Conspiracy and Abuse of Legal Procedure.* By Percy Henry Winfield. Cambridge, Cambridge University Press, 1921. pp. xxvii, 219.

Increasing the interest which this work, the first volume of a new series of publications, naturally inspires is the general preface written by the editor, Professor Hazeltine. Even though the hopes and promises there held out are only partially realized, we shall ultimately have a set of studies embracing both monographs and editions of texts which will enrich the literature of English legal history.

In its largest aspect this book is a study of the abuses connected with legal procedure down to the end of the eighteenth century. The term conspiracy in its earlier sense signified an illegal combination to abuse legal procedure, to promote false accusations and suits before a court. Slightly more than the first half of the work is given over to a detailed and careful account of the early history of this subject. There was both a civil and a criminal side to conspiracy, the civil procedure being begun by the writ of conspiracy, and the criminal procedure by presentment before a court. A particularly full treatment of the writ is given (it was statutory, no writ of conspiracy existing at common law), its scope, and the essentials of liability to it. On the last point it is interesting to note that though from almost the beginning the rule was that the writ would not lie against indictors or jurors, there was no case which laid down the immunity of witnesses generally, apart from those who informed the grand jury, till 1549. There is no reference to conspiracy as a crime before 21 Edward I. From then on the records show that the crime was a common one, even in high places. "The writ of conspiracy, originally destined to stop false accusations, was being employed to stifle honest ones. Evil doers who had been properly indicted procured their acquittal by a favorable inquest, and then sued writs of conspiracy against their indictors," in spite of the rule that the writ would not lie against indictors. In the fourteenth century one of the commonest uses of conspiracy was in connection with combinations to restrain or to interfere with trade. With the coming of the Tudors, conspiracy on its criminal side was greatly affected by the Star Chamber, a court without a jury, and strong enough to crush combinations to abuse legal procedure

which might have overawed a weaker court. Moreover, the Star Chamber influenced the later conception of conspiracy by greatly extending the meaning of the term. By the reign of Elizabeth criminal conspiracy had come to bear very much its modern meaning.

A chapter (v) is devoted to showing how the modern action of malicious prosecution developed out of the disuse of the statutory writ of conspiracy and the substitution therefor of the action on the case in the nature of conspiracy. At this point the subject of conspiracy, as such, is brought to an end, to give place to a discussion of the related subjects of champerty and maintenance. Notwithstanding Coke's contention to the contrary, it would seem that writs of champerty and maintenance did not exist at common law. Rounding out the general subject we have a chapter on embracery and the misconduct of jurors. In the mind of medieval judges there was no sharp distinction between maintenance and embracery, and it is a debatable question whether embracery, as distinct from maintenance, was ever an offence at common law.

It is a pleasure to note the consistent use made of material from the Year Books, much of it from Year Books which are to be had as yet only in the old black letter editions. It is our hope that the editing of these later Year Books does not lie outside the province of the Cambridge Studies in English Legal History, that the editor may have had them in mind when he referred to later editions of legal-historical texts "which have not as yet been published in a form consonant with modern critical standards."

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An Introduction to the Problem of Government. By Westel W. Willoughby and Lindsay Rogers. Garden City, Doubleday, Page & Co., 1921. pp. x, 545.

This volume is intended for student use, and seeks to analyze the chief principles underlying the organization and conduct of government. Although the chapters are of somewhat unequal merit, the volume should serve as a valuable aid in college courses, if used with a book giving more detail about the structure of the important governments of the world.

Although the book under review is chiefly devoted to principles of government, this plan is departed from with respect to certain chapters. There is a chapter on State Government in the United States, which is too brief to be effective, and seems out of place in the volume. The chapter on Political Party Control in Congress also somewhat interrupts the unity of the volume as a general discussion of governmental principles.

Chapters X to XXIV of the volume present a satisfactory and interesting analysis of the concrete problems of government. The functions of the legislative, executive, and judicial departments are clearly discussed. The different types of governmental organizations are outlined. The chapter on responsible parliamentary government is particularly good. That on presidential or congressional government is not so good, in part because it limits itself to the national government of the United States. In the consideration of local government, the authors devote no attention to cities, and thus ignore one of the most important factors in the government of modern states. In the discussion of governmental problems they follow the policy of substantially all other authors, in the notion that different types of local government may be discussed independently.

The authors are most effective in their discussion of concrete governmental problems. The first three chapters are the weakest in the book, and the first nine are less effective than those that follow. No college student can be expected to display great interest in chapter II which is devoted to preliminary definitions, especially when the thought is concealed behind such complex sentences as: